

Article 12

Overlay Districts

Section 12.01 US-6, US-20, US-30, US-35, US-421, SR-2 and SR-39 Corridor Overlay District

(a) **Intent.** The US-6, US-20, US-30, US-35, US-421, SR-2 and SR-39 corridors have all been identified as important transportation corridors in the County Comprehensive Plan. The intent of the Corridor Overlay Zoning District is to provide specific standards for the corridor to preserve roadway capacity and safety; ensure that development does not limit the future ability to improve the roadway; protect property values along the corridor; promote economic development; and establish a high-quality image for the entrance to the communities. Among the specific purposes of the Corridor Overlay Zoning District are:

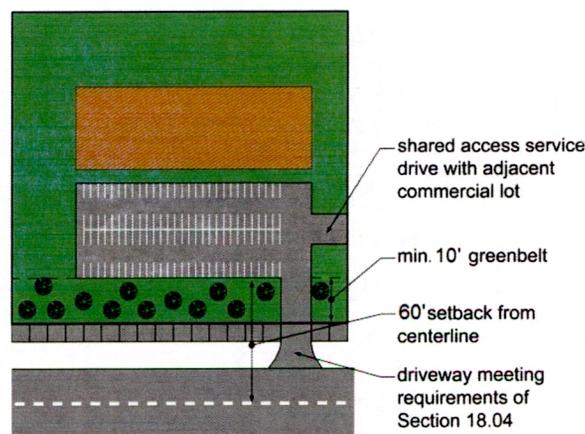
- (1) Maximize the capacity of the road by controlling the number, and location of driveways; requiring alternate means of access through shared driveways, service drives, and access from side streets and requiring traffic impact studies for developments that will generate large volumes of traffic.
- (2) Preserve future right-of-way and minimize disruption of existing businesses and homes through preservation of additional right-of-way that may be necessary to widen the road. To achieve this, the overlay district provides for specific setbacks along the corridors.
- (3) Enhance the visual quality of this corridor by limiting signage and requiring landscape greenbelts to maintain the rural character of the county, and establish a desired entry image for the communities to create an attractive setting for new investment.

(b) **Scope of Application.** A corridor overlay zoning district is hereby established over all lots having frontage along US-6, US-20, US-30, US-35, US-421, SR-2 and SR-39. The development or redevelopment of lots having frontage along US-6, US-20, US-30, US-35, US-421, SR-2 and SR-39 shall comply with the provisions of this overlay zoning district in addition to the applicable regulations of the underlying zoning district. Where a conflict exists between the requirements of this overlay zoning district and the underlying zoning district the more restrictive requirement shall apply.

(c) **Uses Permitted.** The uses permitted shall be regulated by the underlying zoning district. The review and approval process applicable in the underlying zoning district shall be followed.

(d) **Dimensional Requirements.**

- (1) The development or redevelopment of lots and parcels within the Corridor Overlay Zoning District shall comply with the lot dimensional and bulk requirements of the underlying zoning district.
- (2) In the unincorporated areas of the county outside of the cities, a minimum setback of 60 feet from the centerline of the road shall be required for all buildings and parking areas. Where the road right-of-way is greater than 60 feet from the centerline of the road, then all buildings and parking areas shall be setback a minimum of 10 feet from the right-of-way.
- (3) Within the cities of La Porte and Michigan City, the front yard setbacks shall be based upon the underlying zoning.



(e) **Landscaping.**

(1) All lots in the unincorporated areas of the county outside of the cities shall be required to provide a landscape greenbelt along the designated corridors within the setback noted in subsection (d)(2) above. The greenbelts shall be landscaped with a minimum of two (2) deciduous trees and six (6) shrubs for every 40 linear feet of frontage.

(2) All other site landscaping shall be in accordance with the requirements of section 17.02.

(f) **Signs.** All signs shall be in accordance with the requirements of article 19, except that pole signs and other freestanding signs shall be limited to a height of 20 feet.

(g) **Transportation Related Requirements.**

(1) **Driveway access.** All driveways shall comply with the spacing requirements of section 18.04 for major thoroughfares.

(2) **Shared Driveways, Frontage Roads And Service Drives.** All uses, except residential and agricultural, shall be required to install service roads to allow connection to adjacent lots that are zoned or planned for non-residential use. Service roads shall generally be parallel or perpendicular to the front lot line. Service roads that are parallel to the roadway corridors may be in the rear or front yard, depending on the location of parking, building setback and appropriate locations for connections to adjacent lots. All service drives shall be designed in accordance with the requirements of section 18.04.

(3) **Traffic Impact Study.** A traffic impact study shall be required as part of the site plan submission for any development within the overlay zoning district meeting the warrants for a traffic impact study, as provided in the "Applicant's Guide to Traffic Impact Studies," published by the Indiana Department of Transportation. The preparation and review of the traffic impact study shall also follow this guide.

Section 12.02 Economic Opportunity Overlay District

(a) **Intent.** The intent of the Economic Opportunity Overlay Zoning District is to provide a mechanism to allow for development of major transportation-related facilities in limited exurban and rural areas of the county where specific conditions exist that are conducive to large-scale distribution and logistics centers. Because of the land area requirements, need for access to rail and other transportation facilities and the potential impacts upon surrounding land use, it is preferable to locate large-scale warehousing, transportation and logistics industries away from the population concentrations of the cities. While it is desirable to permit this type of development due to the economic benefits of employment and tax revenues, there is a need to control the location and intensity of this land use to prevent undesirable sprawl of industry into rural areas, impact to residential areas and loss of valuable farmland. Among the specific purposes of the Economic Opportunity Overlay Zoning District are:

(1) Ensure that transportation logistics industries are located in areas with sufficient existing or potential roadway and rail transportation infrastructure to support freight traffic and to meet the demands of traffic generated by the use.

(2) Ensure that adequate utilities are available or can be readily provided to serve a new transportation logistics industry.

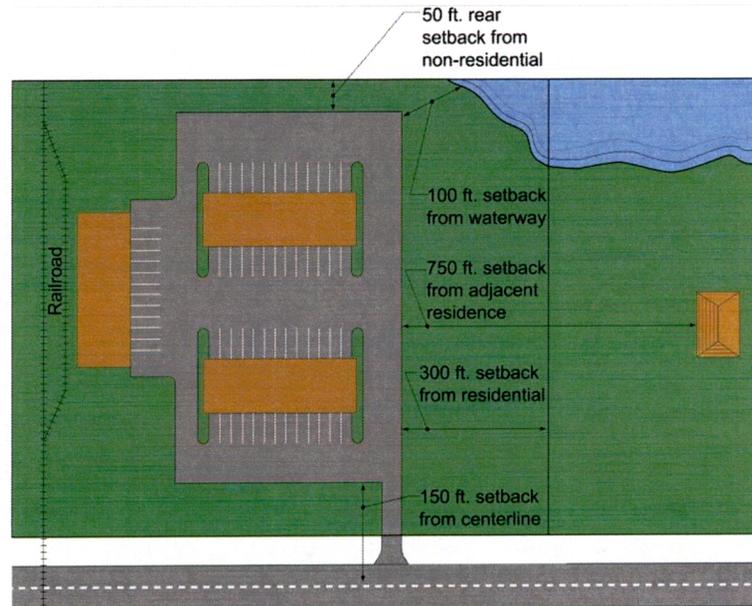
(3) Ensure that transportation logistics industries are located in areas that will have minimal impact upon the county's population.

(4) Limit the loss of valuable farmland.

- (5) Minimize the impact to natural features, including open space, woodlands, wetlands, groundwater and waterways.
 - (6) Minimize the impact of transportation logistics industries on the rural character of the county by requiring adequate landscape screening, buffering and setbacks.
- (b) **Scope of Application.** The Economic Opportunity Overlay Zoning District may only be applied as an overlay zone in unincorporated locations in La Porte County where the underlying zoning is A Agricultural District, M1 Light Industrial District or M2 Heavy Industrial District.
- (c) **Application.** The Economic Opportunity Overlay Zoning District may be applied for following the rezoning procedures of article 30 and this section.
- (1) In addition to the requirements of article 30, all applications shall include a site plan complying with the requirements of article 23 and this section.
 - (2) A traffic impact study shall be required as part of the rezoning application for the overlay zoning district. The standards used in preparing and approving the traffic impact study shall comply with the "Applicant's Guide to Traffic Impact Studies," published by the Indiana Department of Transportation.
- (d) **Uses Permitted.** The uses permitted in the Economic Opportunity Overlay Zoning District shall be limited to the following uses, regardless of the provisions of the underlying zoning district:
- (1) Cartage, express and parcel delivery establishments.
 - (2) Containerized freight yards.
 - (3) Distribution centers.
 - (4) Intermodal freight terminals.
 - (5) Grain elevators.
 - (6) Hotels.
 - (7) Outdoor operations of all warehouse and freight movement land uses.
 - (8) Railroad transfer or storage yards.
 - (9) Trucking terminals, transfer buildings, truck garages and areas for parking of operable trucks.
 - (10) Value-added agricultural uses such as canning, processing and packaging of agricultural products.
 - (11) Warehouses.
 - (12) Restaurants that are accessory to an above permitted use.
 - (13) Vehicle fueling and maintenance that is accessory to an above permitted use.

(e) **Dimensional Requirements.** The minimum project size for the Economic Opportunity Overlay Zoning District shall be 500 contiguous acres. All buildings, parking, loading and storage areas shall be setback in compliance with the following dimensional requirements. The setbacks shall apply around the perimeter of the site. The required setback areas shall be maintained as green space and landscaped, in accordance with the requirements of subsection (f) below.

Setback Area	Minimum Setback
Front yard setback from the centerline of any public roadway	150 feet
Side yard setback	50 feet
Rear yard setback	50 feet
Setback from a limited access highway	50 feet
Setback from rail road right-of-way	0 feet
Setback from residential zoned or used property	300 feet
Setback from all buildings containing residential dwelling units	750 feet
Setback from stream, lake or river	100 feet
Setback from adjacent non-residential site that is part of the overlay district	20 feet
Setback from roads internal to the district and provide access to uses within overlay district	20 feet



(f) **Landscaping.** The following landscaping shall be required:

Yard setback landscaping requirements	Minimum berm requirement	Minimum plant material requirement for every 40 linear feet along property line
Along any public road frontage (1)	6 foot high berm	1 canopy tree, 3 evergreen trees and 12 shrubs
Adjacent residentially zoned or used property	6 foot high berm	2 canopy trees, 6 evergreen trees and 8 shrubs
Side or rear setback that is not adjacent to residentially zoned or used property	4 foot high berm	1 canopy tree, 3 evergreen trees and 4 shrubs

(1) The road frontage greenbelt shall apply to all public road frontages, including limited access highways. The frontage greenbelt requirement shall not apply to private roads that are internal to the site or public roads internal to the overlay district that are developed to provide access to uses within the overlay district and not act as a through roadway.

- (2) In addition to the above landscape greenbelts, there shall be a minimum of one (1) tree on the site for each 1000 square feet of land area that is covered by buildings and pavement.
- (3) All other site landscaping shall be in accordance with the requirements of section 17.02.

(g) Transportation Related Requirements.

- (1) **Driveway Access.** All driveways shall have direct access to a paved state or federal highway that is suitable for the anticipated truck traffic, as determined by the Indiana Department of Transportation and the county highway engineer. All driveways shall comply with the requirements of section 18.04.
- (2) **Truck Access.** All applications for rezoning to the Economic Opportunity Overlay Zoning District must indicate the type and volume of truck traffic anticipated at the site, including dimensions of all truck access and circulation lanes, and dimensions of all truck loading/unloading areas. Driveways and roads of commercial and industrial facilities anticipated to receive truck traffic must be designed to adequately accommodate the anticipated truck traffic.
- (3) **Truck Circulation Plan.** The site plan accompanying the application for rezoning to the Economic Opportunity Overlay Zoning District shall include a diagram with the dimensions of trucks anticipated at the site and shall show all existing and proposed truck circulation patterns including the direction and flow of truck traffic on the site and dimensions of all truck service drives, berths, and dock approaches. Truck maneuvering shall not be permitted within any public or private road off the property.
- (4) **Turning Radius.** Design features for trucking facilities shall include larger turning radii and added maneuvering space and pavement design to accommodate trucks. At a minimum these standards shall be those recommended by the American Association of State Highway and Transportation Officials or another standard specified by the county highway engineer.
- (5) **Curbing.** All parking, loading and truck storage areas shall be curbed with concrete curbing meeting the county engineering standards. Driveways shall be curbed for their full length.
- (6) **Traffic Impact Study.** A traffic impact study shall be required as part of the site plan submission for any development within the overlay zoning district meeting the warrants for a traffic impact study, as provided in the "Applicant's Guide to Traffic Impact Studies," published by the Indiana Department of Transportation. The preparation and review of the traffic impact study shall also follow this guide.

(h) Non-transportation Infrastructure Related Requirements.

- (1) **Wastewater Treatment.** A fiscally viable plan for wastewater treatment shall be presented with the application to rezone to the Economic Opportunity Overlay District. This may be a signed agreement with an existing wastewater treatment facility that has adequate capacity. Phased developments shall provide for wastewater treatment for each phase.
- (2) **Stormwater Management.** Stormwater management shall be consistent with the requirements of article 20. Phased developments shall provide for adequate stormwater management for each phase of development.
- (3) **Fire Protection.** A fire protection plan shall be submitted with the application for rezoning to the Economic Opportunity Overlay District. The plan shall include the name and location of the fire department (and any stations) that will serve the site, the equipment and response time to the site for the identified department and/or station, plans for pumping from ponds or hydrants or use of tanker trucks, and interlocal agreements with other departments.

(i) **Phasing.**

- (1) **Site Plan Approval Required.** Site plans shall be submitted and approved or denied by the plan commission. Site plans shall include all items in article 23 and the following:
 - a. Transportation plan
 - b. Stormwater management plan
 - c. Fire protection plan
 - d. Phasing plan, including public improvements
- (2) **Final Phase Plans Subject To Technical Review Only.** Following approval of a site plan, each phase, consistent with the phasing plan and in substantial compliance with the approved site plan, shall be subject only to technical review by the staff and checkpoint agencies. Substantial departures from the approved site plan shall be subject to site plan approval by the plan commission.

Section 12.03 Waterfront View Protection Overlay Zoning District

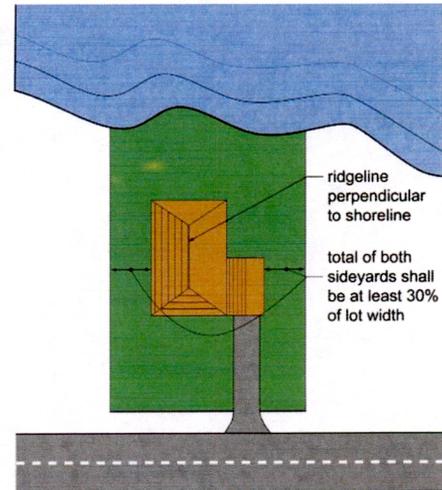
- (a) **Intent.** The intent of the Waterfront View Protection Overlay Zoning District is to protect views of lakes. Among the specific purposes of the Waterfront View Protection Overlay Zoning District are:
 - (1) Protect community character of waterfront areas by maintaining views of lakes from public roadways.
 - (2) Protect property values in waterfront neighborhoods by protecting views of the waterfront.
 - (3) Protect waterfront neighborhoods from overbuilding with excessively large buildings on small waterfront lots that are out of scale with the established character of the neighborhood.
- (b) **Scope of Application.**
 - (1) The Waterfront View Protection Overlay Zoning District shall apply as a mapped overlay zone.
 - (2) The Waterfront View Protection Overlay Zoning District shall apply to all new buildings or any additions to existing buildings that would increase the width of the building measured parallel to the shoreline or nearest park lot line.
- (c) **Underlying Zoning Districts.** The lot area and bulk requirements of the underlying zoning district shall be complied with, subject to the requirements of subsections (d) and (e) below. Where a conflict exists between the requirements of this overlay zoning district and the underlying zoning district the more restrictive requirement shall apply.

(d) **Building Side Yards.** For buildings subject to this overlay zoning district, the total of both side yards shall be at least 30% of the lot width where the structure is located.

(e) **Building Height Limits.**

(1) Where the underlying zoning is R1A, R1B, R1C, R1D, R1E R2A, R2B or R3A residential, the maximum height of any principal building shall be 35 feet.

- a. The height of a building shall be measured from the highest point of the roof to the highest level of the existing grade of the lot where it adjoins the building wall or structure. For this purpose, existing grade shall mean the natural, undisturbed grade, before it is altered by land clearing, berming, or preparation and before construction begins.
- b. The only exception to building height shall be chimneys, which shall be no more than five (5) feet taller than the highest point of the roof.
- c. All roofs shall have a minimum roof pitch of 4:12. The longest ridge line of the roof shall be roughly perpendicular to the shoreline; or for buildings at an angle, the ridge line most perpendicular to the shoreline (within 45 degrees of perpendicular).



(2) In all other underlying zoning districts not listed in (1) above, the height limits of the underlying zoning district shall apply.

(f) **Waterfront setback.** The waterfront setback shall be measured from the shoreline at established normal water level.

(g) **Uses Permitted.** The uses permitted shall be regulated by the underlying zoning district. The review and approval process applicable in the underlying zoning district shall be followed.

Section 12.04 Newporte Landing, South Overlay Zoning District (City of La Porte)

(a) **Intent.** The intent of the Newporte Landing, South Overlay Zoning District is to create high-quality and compatible new development within NewPorte Landing. Among the specific purposes of the Newporte Landing, South Overlay Zoning District are:

- (1) Ensure that new development maintains the “traditional” scale and atmosphere that currently exists within the community.
- (2) Ensure that the orientation and placement of buildings on their sites promotes visibility from the street, pedestrian friendly movement and the connectivity between different land uses.
- (3) Encourage the use of appropriate building materials to create compatible new development and to effectively rehabilitate existing structures.
- (4) Encourage signs that are simple, relatively small and complementary to the building architecture.
- (5) Capitalize on the opportunity to reconnect the fabric of La Porte by extending the roadway grid system with well-designed streets and sidewalks that promote a walkable community and encourage pedestrian, and bicycle activity, while still accommodating automobiles, and parking.
- (6) Capitalize on the waterfront location of NewPorte Landing and bring new meaning and identity to La Porte.

- (7) Employ energy and water conservation measures, progressively manage stormwater, minimize construction waste and maximize the use of recycled materials.
- (8) Ensure that site and building lighting promotes safety and security and serves to enhance the appearance of the property.
- (9) Ensure that off-street parking lots are designed and located so that they are safe, attractive and efficient.
- (10) Require commercial properties to be landscaped in a manner that screens parking, enhances building appearance and creates an attractive pedestrian environment.

(b) Scope of Application.

- (1) The area within the city of La Porte bounded on the south side by the north right-of-way line of the Norfolk and Southern Railroad, on the west side by the eastern right-of-way line of Pine Lake Avenue, on the north side by the south right-of-way line of Truesdell Avenue and on the east side by the western right-of-way line of Hoelocker Drive is designated as the NewPorte Landing, South Zoning District.
- (2) This NewPorte Landing, South Overlay Zoning District is declared to be a district subject to "development requirements," and any development of real property within this zoning district shall require a development plan as provided for in I.C. 36-7-4-1400 et seq.

(c) Underlying Zoning Districts. The lot area and bulk requirements of the underlying zoning district shall be complied with, subject to the requirements of this overlay zoning district. Where a conflict exists between the requirements of this overlay zoning district and the underlying zoning district the more restrictive requirement shall apply.

(d) Uses Permitted. The uses permitted shall be regulated by the underlying zoning district. The review and approval process applicable in the underlying zoning district shall be followed.

(e) Exterior Design Standards. All development within this NewPorte Landing, South Zoning District shall comply with the exterior design standards set forth in the NewPorte Landing Design and Development Standards.

(f) Compliance. All developments within the NewPorte Landing, South Overlay Zoning District shall be required to submit a site plan, in accordance with article 23, that demonstrates compliance with the following provisions:

- (1) Demonstrate compatibility of building design with surrounding developments and the exterior design standards referenced in subsection (e) above. The type of exterior building material to be used shall be described on the site plan application.
- (2) Provide for compliance with dimensional requirements based upon the underlying zoning district.
- (3) Provide for parking, loading, vehicle and pedestrian circulation in accordance with article 18.
- (4) Provide landscaping in accordance with the requirements of section 17.02 and the exterior design standards referenced in subsection (e) above.
- (5) Provide plans for signage that demonstrate compliance with the exterior design standards referenced in subsection (e) above and article 19.
- (6) Provide a lighting plan that demonstrates compliance with the exterior design standards referenced in subsection (e) above and section 17.04.

(7) Show compliance with any other requirements set out in the design standards referenced in subsection (e) above.

(g) Design Advisory Group.

(1) A design advisory group is hereby created to assist the director of engineering in his or her review of the development plan. The design advisory group includes the following members:

- a. The city planner;
- b. A member of the plan commission;
- c. A member of the redevelopment commission;
- d. A member of the tree commission; and
- e. A member of the common council.

(2) When a development plan is submitted under article 23, it shall be submitted to the design advisory group for review. The design advisory group, upon completing its review, shall make a recommendation to the director of engineering based upon the requirements of the overlay district. The director of engineering shall respond in his or her written decision regarding the development plan to the concerns or questions raised by the design advisory group; however, the director of engineering, is not bound or controlled by the design advisory group.

Section 12.05 Economic Development Corridor Overlay Zoning District (City of La Porte)

(a) **Intent.** The intent of the Economic Development Corridor Overlay Zoning District is to reduce congestion in the city of La Porte while creating and enhancing access to economic development sites. Among the specific purposes of the Economic Development Corridor Overlay Zoning District are:

- (1) Improving vehicular and pedestrian safety.
- (2) Enhancing access to city of La Porte industrial development.
- (3) Facilitating access to new sites for industrial development.

(b) Scope of Application.

- (1) The Economic Development Overlay Zoning District shall be a mapped overlay district that shall be applied through rezoning following development of the proposed inner loop corridor, or portions of the corridor as it is developed. The Economic Development Overlay Zoning District shall apply to all lots and parcels fronting on the proposed inner loop corridor once developed.
- (2) The Economic Development Overlay Zoning District shall apply to all new buildings or any additions to existing buildings that would increase the footprint of the building with frontage on the corridor.

(c) **Underlying Zoning Districts.** The dimensional requirements of the underlying zoning district shall be complied with, subject to the requirements of subsection (f) below. Where a conflict exists between the requirements of this overlay zoning district and the underlying zoning district the more restrictive requirement shall apply.

(d) Uses Permitted.

- (1) Warehousing/logistics operations.
- (2) Enclosed manufacturing.

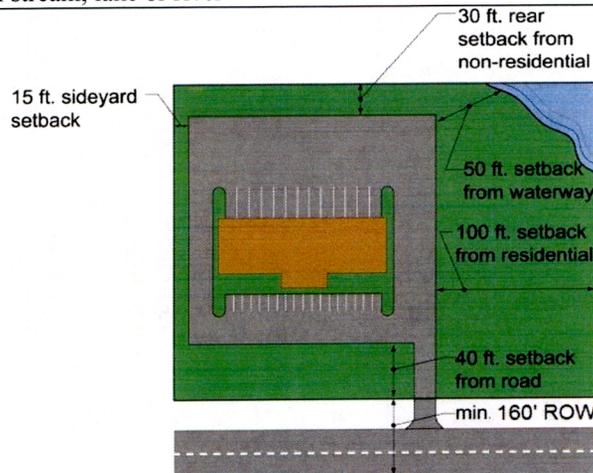
- (3) Packaging.
- (4) Grain elevator and storage.
- (5) Canning or processing of agricultural products.
- (6) Research and development laboratories and offices.
- (7) Medical laboratories without a clinic.
- (8) Wholesale sales (no outdoor display).
- (9) Professional and technical offices.
- (10) Cartage, express, and parcel delivery establishments.

(e) Special Exception Uses.

- (1) Restaurant.
- (2) Gas station with or without convenience store.
- (3) Hotel with or without conference center.
- (4) Truck stop or truck service station.
- (5) Truck washes.
- (6) Training centers.

(f) Dimensional Requirements. The minimum right-of-way for the proposed inner loop corridor is 160 feet, unless otherwise noted in the Thoroughfare Plan. All buildings, parking, loading and storage areas shall be setback in compliance with the following dimensional requirements from the planned 160 foot right-of-way. The required setback areas shall be maintained as green space and landscaped, in accordance with the requirements of subsection (g) below.

Setback Area	Minimum Setback
Front yard setback from any public roadway	40 feet
Side yard setback	15 feet
Rear yard setback	30 feet
Setback from rail road right-of-way	0 feet
Setback from residential zoned or used property	100 feet
Setback from stream, lake or river	50 feet



(g) **Landscaping.** The following landscaping shall be required:

Yard setback landscaping requirements	Minimum berm requirement	Minimum plant material requirement for every 40 linear feet along property line
Along any public road frontage	3 foot high berm	1 canopy tree, 2 evergreen trees and 6 shrubs
Adjacent residentially zoned or used property	6 foot high berm	2 canopy trees, 6 evergreen trees and 8 shrubs
Side or rear setback that is not adjacent to residentially zoned or used property	4 foot high berm	1 canopy tree, 2 evergreen trees and 4 shrubs

(h) **Exterior Design Standards.** Building shall comply with the following exterior design standards in addition to the requirements of section 17.01:

(1) **Facades.** Facades along the inner loop frontage shall add architectural interest and variety and avoid the effect of a single wall or long or massive walls with no relation to human scale. Walls that face a street shall not have a blank, uninterrupted length exceeding 50 feet without including, but not be limited to, at least two of the following:

- a. Change in plane,
- b. Change in texture or masonry pattern,
- c. Windows, trellis with vines, or
- d. An equivalent element.

(2) **Screening of Loading Areas.** Truck loading areas, docks, garage doors and service areas shall be screened to minimize their visibility from streets and adjacent residential uses and districts.

(i) **Signs.** All signs shall be in accordance with the requirements of article 19, except that pole signs and other freestanding signs shall be limited to a height of 20 feet.

(j) **Transportation related requirements.**

(1) **Coordinated Access.** The intent shall be to have a single coordinated shared access point every 435 feet to the inner loop road. All lots shall be accessed via shared driveways, frontage roads, service drives or driveways to side streets, rather than individual driveways directly from the inner loop road.

(2) **Driveway Access.** All driveways shall comply with the spacing requirements of section 18.04 for major thoroughfares, except that all non-residential driveways to the inner loop road shall be spaced a minimum of 435 feet.

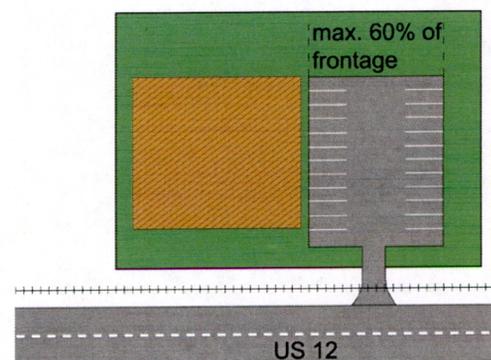
(3) **Shared Driveways, Frontage Roads And Service Drives.** All uses, except residential and agricultural, shall be required to install service roads to allow connection to adjacent lots along the proposed inner loop corridor. Service roads shall generally be parallel or perpendicular to the proposed inner loop corridor. Service roads that are parallel to the proposed inner loop corridor may be in the rear or front yard, depending on the location of parking, building setback and appropriate locations for connections to adjacent lots. All service drives shall be designed in accordance with the requirements of section 18.04.

(4) **Traffic Impact Study.** A traffic impact study shall be required as part of the site plan submission for any development within the overlay zoning district meeting the warrants for a traffic impact study, as provided in the "Applicant's Guide to Traffic Impact Studies," published by the Indiana Department of Transportation. The preparation and review of the traffic impact study shall also follow this guide.

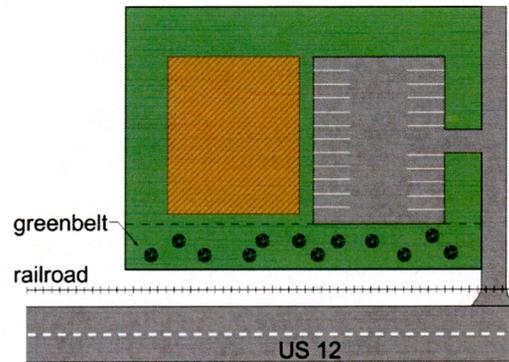
- (k) **Standards for Special Exception Use.** In determining the approval of a special exception use, the board of zoning appeals shall consider the following:
- (1) The location of the site relative to interchanges, intersections, or other transportation access.
 - (2) The location of the site relative to existing uses to minimize leap-frog development and serve existing development.
 - (3) The availability of public water and sewer facilities.

Section 12.06 US-12 Corridor Overlay District

- (a) **Intent.** The US-12 corridor has been identified as important transportation corridor through Michigan City. The intent of the US-12 Corridor Overlay District is to provide specific standards for the corridor to achieve the following:
- (1) Preserve the scenic character of the outlying areas of the city and promote development around the central core of the city that creates a strong sense of place.
 - (2) Promote US-12 as a cultural heritage corridor to encourage economic development and tourism for Michigan City.
 - (3) Encourage multi-modal transportation through pedestrian-oriented and transit-oriented development.
 - (4) Maximize the capacity of the road by controlling the number and location of driveways; requiring alternate means of access through shared driveways, service drives and access from side streets, and requiring traffic impact studies for developments that will generate large volumes of traffic.
 - (5) Enhance the visual quality of this corridor by limiting signage and preserving natural and scenic landscape features.
- (b) **Scope of Application.** A US-12 corridor overlay zoning district is hereby established over all lots having frontage along US-12. The development or redevelopment of lots having frontage along US-12 shall comply with the provisions of this overlay zoning district in addition to the applicable regulations of the underlying zoning district. This overlay district shall also apply to lots adjoining the railroad right-of-way that runs parallel to US-12, including the opposite side of the railroad furthest from US-12. Where a conflict exists between the requirements of this overlay zoning district and the underlying zoning district the more restrictive requirement shall apply.
- (c) **Uses Permitted.** The uses permitted shall be regulated by the underlying zoning district. The review and approval process applicable in the underlying zoning district shall be followed.
- (d) **Dimensional Requirements.** The development or redevelopment of lots and parcels within the US-12 Corridor Overlay Zoning District shall comply with the lot dimensional and bulk requirements of the underlying zoning district.



- (e) **Parking Lots along Frontage.** New off-street parking lots within 20 feet of the US-12 right-of-way may occupy no more than 60% of the lot's street frontage. The remaining frontage shall be occupied by building or landscaped area with no off-street parking located within 20 feet of the front lot line. Parking lots shall be landscaped in accordance with the requirements of section 17.02.
- (f) **Landscaping.** All site landscaping shall be in accordance with the requirements of section 17.02. Existing trees that are in good condition within 20 feet of the US-12 right-of-way shall be preserved. Existing trees that are located within 20 feet of the railroad right-of-way that runs parallel to US-12 shall be preserved, both between the US-12 right-of-way and the railroad right-of-way and on the opposite side of the railroad right-of-way furthest from US-12. Any site adjoining the railroad right-of-way that runs parallel to US-12 shall be required to provide the frontage greenbelt required by section 17.02 along the railroad right-of-way.



- (g) **Signs.** All signs shall be in accordance with the requirements of article 19, except that pole signs and other freestanding signs shall be limited to a height of 20 feet.
- (h) **Transportation Related Requirements.**
 - (1) **Nonmotorized Facilities.** All sites shall have 10-foot wide nonmotorized pathways along US-12 and five-foot wide sidewalks along all intersecting side streets that meet the requirements of section 18.05.
 - (2) **Driveway Access.** All driveways shall comply with the spacing requirements of section 18.04 for major thoroughfares.
 - (3) **Shared Driveways, Frontage Roads and Service Drives.** All nonresidential uses with off-street parking lots shall be required to have vehicular connections to adjacent nonresidential sites that allows for circulation between parking lots. This may be achieved through shared driveways, shared parking lots or rear service roads connecting sites. Where service roads are used for vehicular connections to adjacent sites, they shall be provided in the rear yard. All service drives shall be designed in accordance with the requirements of section 18.04.

Traffic Impact Study. A traffic impact study shall be required as part of the site plan submission for any development within the overlay zoning district meeting the warrants for a traffic impact study, as provided in the "Applicant's Guide to Traffic Impact Studies," published by the Indiana Department of Transportation. The preparation and review of the traffic impact study shall also follow this guide.

Section 12.07 Kingsbury Industrial Park Overlay District

- (a) **Intent.** The intent of the Kingsbury Industrial Park Overlay Zoning District is to provide a mechanism to allow for development of heavy industry conducive to the former ordnance site. Because of the existing infrastructure, large contiguous tracts of industrially zoned land and isolated location of the park, it is desirable to permit the types of development that can benefit from these attributes. Among the specific purposes of the Kingsbury Industrial Park Overlay Zoning District are:
 - (1) Ensure that transportation logistics industries are located in areas such as KIP in order to generate sufficient existing or potential roadway and rail transportation infrastructure to support freight traffic and to meet the demands of traffic generated by the use.

- (2) Capitalize on the existing location, layout, orientation, zoning and current facilities to attract new heavy industry to LaPorte County.
- (3) Ensure that heavy industry can operate efficiently without posing a hindrance to the surrounding community.
- (4) Facilitate access to new sites for heavy industrial development.
- (5) Ensure that transportation logistics industries are located in areas that will have minimal impact upon the county's population by capitalizing on KIP's original design as a major production and logistics corridor to handle high traffic volume, being positioned on US 35 and US 6.
- (6) Minimize the impact of natural features, including open space, woodlands, wetlands, groundwater and waterways.
- (7) Minimize the impact of transportation logistic industries on the rural character of the county by requiring adequate landscape screening, buffering, and setbacks, while designing for the fluid operation of heavy industry and logistics operations.

(b) Scope of Application.

- (1) The Kingsbury Industrial Park Overlay Zoning District shall apply as a mapped overlay zone which includes the area, more particularly described as:

The general boundaries of the Area are Part of Sections 31 through 36, Township 36 North, Range 2 West of the Second Principal Meridian and part of Sections 6 through 9, and 12 and all of Sections 1 through 5, 10, and 11, Township 35 North, Range 2 West of the Second Principal Meridian all in LaPorte County, Indiana, being more particularly described as follows: lying south of the Wabash Railroad; lying north of Tracy Road; lying West of 600 E; and lying east of a line approximately 1,500 feet east of U.S. Highway 35.

and is designated as the Kingsbury Industrial Park Overlay Zoning District.

- (2) The Kingsbury Industrial Park Overlay Zoning District shall apply to all new buildings or any additions to existing buildings that would increase the footprint of a building in the district, other improvements within the District.
- (c) Underlying Zoning Districts.** The lot area and bulk requirements of the underlying zoning district shall be complied with, subject to the requirements of this overlay zoning district. Where a conflict exists between the requirements of this overlay zoning district and the underlying zoning district, the requirements of this overlay zoning district shall take precedence over other zoning requirements.
- (d) Uses Permitted.** The uses permitted shall be regulated by the underlying zoning district with the following additions which may be included in the overlay district. The review and approval process applicable in the underlying zoning district shall be followed.
- (1) Retail / Wholesale sale of products manufactured, assembled or processed on the premises are permitted. However, so long as the total floor space is designated for such retail and wholesale

sales are limited to five percent (5%) of gross floor space or one thousand (1,000) square feet, whatever is less.

- (2) Vehicle Service Stations, including servicing and cleaning of rail-related and transportation related equipment.
- (3) Storage Area and parking of semi-trailers, shipping containers, railcars and other types of storage units shall be permitted within the overlay district. The provisions of section 16.09 (Parking of Semi-Trucks, Shipping Containers and construction Equipment) shall not apply to the overlay district.

(e) **Uses per lot.** Any separate guardhouse, registration office, security office, administrative building or other accessory buildings located on one lot but not attached to the principal building, and attached to a contiguous lot, are deemed to be a principal use collectively.

(f) Dimensional Requirements

(1) Setback Area

Setback Area Minimum Setback	
Front yard setback from any public roadway	40 feet
Side yard setback	15 feet
Rear yard setback	30 feet
Setback from rail road right-of-way	0 feet
Setback from residential zoned or used property	100 feet

(2) **Depth to Width Ratio.** There shall be no restriction on the lot depth to width ratio.

(g) Exterior Design Standards

(1) **Loading Areas, Docks, Overhead Doors.** Loading/unloading areas, docks and overhead doors shall be permitted on all sides of the building with no screening being required. Where loading/unloading areas, docks and overhead doors occur in the front of the building, the building shall be setback at least 150 feet from the front lot line and a landscape greenbelt shall be provided in accordance with the requirements of Section 17.02 (Landscaping Requirements). All residential districts and uses must be screened from truck loading and unloading activities in accordance with section 17.03 (Screening Walls).

(2) **External Building Design.** Any uses categorized as Agriculture and animal related-uses; Motor vehicle dealers and service; Transportation and warehousing; Manufacturing; Utilities; Construction; Waste processing and disposal; or Mining, shall be subject to the following External Building Design standards:

- a. Buildings shall enhance the overall cohesive community character.
- b. For retail / wholesale use, or portions of the building with such use, windows and doors shall make up at least 30% or more of the front façade exterior wall area facing a street.
- c. Building colors shall consist of lighter colors for the main body of the façade to reduce the perceived size of the building. Darker colors that will contrast the main body shall be used in accent or trim areas.

- d. A portion of the on-site landscaping shall be located along all blank walls so that the vegetation significantly reduces the visual impact of the building mass as viewed from the street.
- e. The provisions of Section 17.01(c) (Exterior Building Design) shall not apply to the overlay district.

(3) **Building Materials.** Any uses categorized as Agriculture and animal related-uses; Motor vehicle dealers and service; Transportation and warehousing; Manufacturing; Utilities; Construction; Waste processing and disposal; or, Mining, shall be subject to the following Building Material Requirements:

- a. Durable building materials which provide an attractive, quality appearance must be utilized. The predominant building materials should be quality materials that are characteristic of Indiana.
- b. All building materials shall be durable, weather-resistant, rustproof, and shall be maintained by the property owner or tenant at all times.
- c. The Board of Zoning Appeals may allow other building materials when a particular building design and the materials or combinations of materials proposed to be used are found by the Board of Zoning Appeals to be in keeping with the intent and purpose of this Section and compatible with the character of surrounding uses.
- d. The provisions of Sections 17.01(d)(2), and 17.01 (d)(3) (Building Materials shall not apply to the overlay district).

(4) **Waste Receptacles.** The following requirements apply to Waste Receptacle Enclosure Materials and Screening

- a. All waste receptacles, including dumpsters and compactors, must be enclosed on three (3) sides with a six (6) foot high masonry enclosure constructed of complementary building materials to the principal building on the site.
 - b. The enclosure shall also include a gate, made of wood, metal or other high quality material on the fourth side. If the waste receptacle is a dumpster, it must have an enclosing lid or cover.
 - c. All waste receptacles, associated enclosures and receptacle contents must be screened from public view.
 - d. Supplemental landscaping to screen the waste receptacle enclosure shall be provided.
- (h) **Freight and Intermodal Terminals.** Uses involving Freight and Intermodal Terminals shall be subject to the following:
- (1) The site shall be designed so all vehicles are able to enter and leave the site without having to back-out onto the street.

- (2) The plan commission has determined that due to the nature of the original design and intent of the Kingsbury Industrial Park, future traffic will be no more hazardous nor the volume of traffic any greater than is normal for the roads involved, taking into consideration vehicular turning movements in relation to routes of traffic flow, proximity and adequacy of the new bridge on Hupp Road and the existing interchange with US 35 and US 6. No additional traffic studies will be required for the Kingsbury Industrial Overlay Zoning District.
 - (3) There shall be a five (5) foot tall landscape berm along the road frontage and any side of the site that adjoins a non-industrial district. A minimum of two (2) evergreen trees and one (1) canopy tree shall be planted on the berm for every 40 feet of berm length. The plan commission may modify the screening requirement to permit an eight (8) foot tall wall along interior lot lines instead of a landscape berm.
 - (4) All truck or trailer storage or staging areas shall be setback 40 feet from the front lot line.
 - (5) A minimum buffer/setback of 100 feet for buildings, parking and storage areas shall be provided from any adjacent residential district. The buffer/setback shall be landscaped with a buffer zone A in accordance with section 17.02(c)(Required Buffer Zones).
 - (6) The provisions of sections 14.13(b) (Transportation and Warehousing) shall not apply to the overlay district.
- (i) **Stormwater Management.** Where no public storm sewer is accessible, curbs and gutters shall not be required on any street, road, driveway, parking, loading, truck/container storage, service way, alley or parking lot. Alternative storm water management practices, such as the use of on-site detention ponds, bio-swales and the like, shall be used to comply with the provisions of Article 20 (Stormwater Management).
- (j) **Internal Roadway Use Weight Restrictions.** Internal roadways within the Kingsbury Industrial Park Overlay District, dedicated or private, shall not be subject to the normal weight restrictions within LaPorte County. LaPorte County has waived such restrictions pursuant to a separate Ordinance that shall be maintained with the LaPorte County Ordinances in the Office of the LaPorte County Commissioners.

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